

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

M E M O R A N D U M

Honorable Kimberly J. Mueller
United States Magistrate Judge
Sacramento, California

RE: Angelica GARIBAY
Docket Number: 2:04MJ00318-01
REQUEST TO WAIVE
SPECIAL CONDITION

Your Honor:

On July 14, 2005, the offender appeared before Your Honor for sentencing following a plea of guilty to violation of 18 USC 13, California Vehicle Code (CVC) Section 12500(a) - Driving Without a Valid License, and 18 USC 13, CVC Section 16028 - Failure to Provide Evidence of Financial Responsibility Upon Demand. The offender was sentenced to one year probation supervision. Special conditions of supervision included Financial disclosure; Financial restrictions; Participate in mental health counseling; and complete forty hours of volunteer community service.

Although Ms. Garibay was sentenced on July 14, 2005, the probation officer did not have contact with her until September 30, 2005. During the meeting, Ms. Garibay indicated that she had not worked since the end of August or first part of September 2005, due to her depression. She mentioned to me that she had injured her arm on or about August 8, 2005, and did not work for two or three weeks. She then returned to her job and worked for approximately two weeks, when her depression prevented her from functioning. During the September meeting with her, it was determined that she was in need of counseling and possibly medication to deal with her depression, as she was crying throughout the interview and had a difficult time talking. Therefore, she was referred to a mental health therapist for counseling and to Glenn G. Hakanson, M.D., for medication.

Doctor Hakanson diagnosed her with depression and to be at high risk for suicide, and placed her on anti-depression medication. Doctor Hakanson also processed disability

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documentation on behalf of Ms. Garibay through her employer and health insurance. The offender has also been involved in weekly counseling sessions with a therapist in Sacramento, California. It is believed the medication and therapy have helped her with her depression. Since she is scheduled to terminate supervision on July 13, 2006, she has been referred to Sacramento County Mental Health for follow-up treatment.

Due to the instability of this offender, the probation officer has not demanded that she complete the forty hours of volunteer community service, as ordered. Therefore, since supervision is due to expire, it is recommended that the forty hours of volunteer community service be waived by the Court.

Respectfully submitted,

/s/ Rafael G. Loya
RAFAEL G. LOYA
Senior United States Probation Officer

Dated: July 10, 2006
Sacramento, California
RGL:cj

REVIEWED BY: /s/ Deborah A. Spencer
DEBORAH A. SPENCER
Supervising United States Probation Officer

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ORDER OF THE COURT

- (X) Considered and ordered this 11th day of July 2006, and ordered filed and made part of the records in the above case.
- () Other:


UNITED STATES MAGISTRATE JUDGE

cc: Jessica Mahoney
Assistant United States Attorney

Livia R. Morales
Assistant Federal Defender